By Vertue of an Order to me granted by the Lords Spiritual and Temporal in Parliament Assembled, I do appoint Randal Taylor *near* Stationers-Hall, London, *to Print this Tryal of* Henry Carr. Gent. *and* Elizabeth Cellier, *and that no other Person Print the same.*

John Combe.

Feb. 18th. 1680.

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John Combe.

Feb. 18th. 1680.

THE TRIALL OF Henry Carr, Gent.

AT THE

GUILD-HALL of the City of *London*, the 2d. Day of *July*, 1680.

Upon an INFORMATION brought against him in the Crown-Office, charging him to be Author (as in the said INFORMATION it is called) of a certain false, scandalous, and malitious Book Intituled,

The Weekly Packet of Advice from Rome, or the History of Popery.

Particularly for that of the 1st. of *August*, 1680, which was the next *Fryday* after the Tryal of Sir *George Wakeman* at the *Old-Baily*, before the Lord Chief Justice SCROGGS.

Also the Tryal of

Elizabeth Cellier,

AT

The *Kings-Bench-Bar*, July the 11th. 1680. where she was cleared, and Mr. *Thomas Dangerfield*, the chief Witness against her, for some defect in his Pardon, committed to the *Kings-Bench* Prison.

LONDON, Printed by *I. G.* for *R. Taylor* neat *Stationers-Hall*. 1681

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John Combe.

Feb. 18th. 1680.

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OF

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AT THE

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LONDON, Printed by *I. G.* for *R. Taylor* near *Stationers-Hall*. 1681

THE

TRIAL

OF

Henry Carr, Esq.

AT THE

GUILDHALL, before the City of London, Sheriff, &c.

Upon an INFORMATION brought by

Maintaining Crown Office, charging him to be Author

(assisted and aided) INFORMATION, is recalled,

of a certain False, Scandalous, and malicious Libel,

BIBLIOTHECA·BODLEIANA·

THE TRIALL OF Henry Carr.

In Hillary *Term*, 1679.

AN Information was brought in the *Crown-Office*, againſt *Henry Carr*, which ſets forth, That a certain Plot of a traiterous Conſpiracy, was late had within this Kingdom of *England*, amongſt divers falſe Traytors of this Kingdom of *England*, to put to Death, and murther our Lord King *Charles* the Second, and the Government of this Kingdom of *England*, and the ſincere Religion of God within this Kingdom of *England*, well and piouſly Eſtabliſhed; to deſtroy and ſubvert, and the *Romiſh* Religion, within this Kingdom of *England* to introduce; and that alſo divers Traytors for high Treaſon aforeſaid, were lawfully convicted and attainted, and other Perſons, for High-Treaſon aforeſaid, were by due Courſe of Law tryed and acquitted. Nevertheleſs, one *Henry Carr* of the Pariſh of St. *Fulchres*, *London* Gent. knowing well the Premiſes, but minding, and malitiouſly intending the Government of

the Kingdom of *England*, and the Adminiſtration of Juſtice in the ſame Kingdom to ſcandalize, and to bring the ſame in Contempt.

The 1*ſt*. day of *Auguſt*, in the 31*th* Year of our now Lord the King, at the Pariſh of St. *Pulchres*, *London*, a certain falſe, ſcandalous and malitious Book, Intituled, *The weekly Pacquet of Advice from Rome*, or *The Hiſtory of Popery*; malitiouſly and unlawfully hath Printed, and cauſed to be Publiſhed: in which Book is contained among other things, as followeth. There is lately found out by an experienced *Phyſitian*, an incomparable Medicament, called *the Wonder-Working Plaiſter*, truly *Catholick in Operation*, ſomewhat of Kin to the *Jeſuits Powder*, but more effectual. The Vertues of it are ſtrange and various. It will make Juſtice Deaf as well as Blind, takes out Spots out of deepeſt Treaſons, more cleaverly than *Caſtle-Soap* does common Stains. It alters a mans Conſtitution in two or three days, more than the Virtuoſo's Tranſufion of Blood in ſeven Years. Is a great *Alexipharmick*, and helps Poiſons, and thoſe that uſe them. It miraculouſly exalts and purifies the Eye-Sight, and makes People behold nothing but Innocence in the blackeſt Malefactors. It is a mighty Cordial for a declining Cauſe, ſtifles a Plot as certainly as the *Itch* is deſtroyed by *Butter* and *Brimſtone*. In a word, it makes Fools *Wiſe-Men*, and Wiſe-Men *Fools*, and both of them *Knaves*. The Colour of this pretious Balm is bright and dazling, and being applyed privately to the Fiſt in decent manner, and a Competent Doſe, infallibly performs all the ſaid Cures, and many others not fit here to be mentioned.

To the great Contempt of our Lord the King, and his Laws, to the great Scandal of the Government of our now Lord the King, and the Laws of this Kingdom of *England*, and the Adminiſtration of Juſtice in the ſame Kingdom, to the evil Example of all others in ſuch a

Caſe

Case offending, and against the Peace of our Lord the King, his Crown and Dignity.

To which Information appeared in the Court of *Kings-Bench*, *Henry Carr*, by his Attorney, *Benedict Brown*, the 11*th.* of *February*, and having heard the Information aforesaid, said that he was not guilty.

Issue being join'd, it was tryed by Writ of *Nisi prius*, at the *Guild-Hall*, before the Lord Chief Justice *Scroggs*, upon the 2*d.* of *July* 1680, where a *Jury* being Summon'd, whose Names are as followeth.

Benjamin Thorogood.	*Jeremiah Gregory.*
Richard Blackbourn.	*Nicholas Bondy.*
Godfrey Richards.	*George Day.*
Leonard Bates.	*Nicholas Dawes.*
Phillip Harman.	*Richard Blaney.*
Francis Breerwood.	*Henry Averie.*
Thomas Kemble.	*Joseph Hall.*
William Longman.	*William Bridges.*
John Debman.	*Thomas Lee.*
Lewis Wilson.	*Richard White.*
Henry Lashoe.	*Randal Dod.*
Thomas Salter.	*Richard Bowater.*

Of all which only four appeared and were Sworn, *viz.*

Nicholas Bondy.	*Henry Avarie.*
Leonard Bates.	*Randal Dod.*

Whereupon

Whereupon a *Talis* was pray'd and granted, and then were Sworn and Added to the principal Pannel, according to the Form of the Statute.

Nicholas Caplin *James Wood.*
Richard Cawtham. *Thomas Gilby.*
Arthur Young. *John Odenell.*
William Tup. *Emanuel Conners.*

After which the Court proceeded, and the *Recorder* began to open the Offence, as follows.

Recorder,

THIS Person among others, intending to Scandalize the Government, hath caused a Book to be published, which I have here in my Hand, called, *The Weekly Packet of Advice from Rome*, there are some Papers besides what are bound up together, that are continued on, which, my Lord, would not be amiss for us that are of the Kings Counsel to take notice of, not only for the *Juries* Satisfaction, but likewise for the Satisfaction of this great Auditory, some whereof I know come to pick *Advantage*, and to know whether or no Rascals may not have Liberty to print what they please. Now all the Judges of *England* having been met together, to know whether any Person whatsoever may expose to the publick Knowledge any manner of Intelligence, or any matter whatsoever that concerns the Publick? They gave it in as their Resolution, that no Person whatsoever could expose to the publick Knowledge any thing that concerned the Affairs of the Publick without Licence from the King, or from such Persons as he thought fit to entrust with that Affair. But such is the Age that we live in, that a man that hath Wit enough for to libell any Man in the Government, thinks he hath Licence enough to expose that Man to publick Knowledge also. And they do it under specious Pretences, because they think that any man may be exposed to the publick Censure, that they can either call a *Papist*, or

but *popiſhly* affected, and that man is either the one or the other, that is not agreeable to every Raſcally Humour that ſome People affect. I acknowledge, my Lord, that any man that will in a Legal Manner endeavour to ſuppreſs *Popery*, ought to be encouraged in his Endeavour, to the utmoſt, but if in Caſe any man will be tranſported with Zeal, becauſe he is of a Party, and under pretence of endeavouring to Suppreſs *Popery*, ſhould ſupport a *Party*, that man ought to be detected. The Author of this Pacquet of *Advice from Rome*, or the Publiſher of it, Mr. *Carr*, that is now the Defendant, he thinks he can ſcratch the Itch of the *Age*, and that he may Libel any man concerned in the Government, if he can but call him a *Papiſt* or *popiſhly* affected; let a man be never ſo honeſt, let a man be never ſo much for the Support of that Religion that every honeſt Man ought to Support, that is, the *Proteſtant Religion* as it is Eſtabliſhed by Law, without going to *Rome* or *Amſterdam* for Aſſiſtance. I will not mention the Perſons that are concerned in it, but I will *apply* my ſelf wholly to this matter, that it is the Opinion of all the Judges of *England*, that it is the Law of the Land, that no Perſon ſhould offer to expoſe to publick Knowledge any thing that concerns the Government without the Kings immediate Licence. Now we are to try whether this Perſon expoſed this thing to publick Knowledge, and that is matter, Gentlemen, that you are to trie. The other is the Buſineſs of the Court, we are to ſay whether, if we prove the Fact, this man is guilty of Puniſhment, and no doubt the Juſtice of the Nation will puniſh him. But when I ſee ſo many ſwarm about me, I am willing to hear what Proof there is.

Sir *Francis Winnington*, I am of Counſel for the Defendent, I only offer it to your Lordſhip, that the Information may be proved.

Lord Chief Juſtice. Here are two things we are to keep to the

the Matter of Proof according to the Information, and accordingly are we to proceed as in Common Juſtice we find the Caſe to be. I muſt ſay that for the Priſoner, he has behaved himſelf with as much *Modeſty* as in *Duty* and *Honeſty* he ought, But I find that Sir *Francis Winnington* puts you upon proving.

Sir *Francis Withins*. My Lord, vve vvill prove it.

L. C. J. Let them that are not of the Jury go forth, the Jury is no more to be corrupted than the Judge.

Sir *F. W.* We muſt be allovved the firſt part, that there was a Plot.

L. C. J. The Jury may take that upon their Oaths, they know there was a Plot, the certaineſt of any thing of Fact, that ever came before me.

Mr. *Stevens*, Printer.

L. C. J. Did Mr. *Car* own he writ this Pacquet, had you any from him.

Printer I had ſeveral from him.

L. C. J. Of vvhom elſe had you any?

Recorder. Beſides *Car*.

L. C. J. You are upon your Oath, from whom ever had you any beſides?

P. I do not remember that I had any from any body elſe.

L. C. J. You printed them, did you?

P. Yes my Lord, I did.

L. C. J. And you know of none from any elſe, but by him or his Orders.

P. No my Lord.

Sir *F. W.* Shew him the Paper. Can you Swear upon your

your Oath, that Mr. *Car* did ſend or deliver to you that very Paper?

P. I can't tell that any body elſe did ſend it.

L. C. J. We muſt do here, as we do in all Caſes, He ſaith, I had divers of theſe Papers from him, I printed them, and I know of none that ever was but by him or his Order.

Sir *F. W.* He ſaith ſo, but, my Lord, the Information is to ſuch a particular Book, Entituled a *Pacquet of Advice from Rome.*

L. C. J. He ſaies this in Anſwer to it, I can't charge my ſelf with this particular, to ſay poſitively, I had it from him: But this I can ſay, we had ſeveral from him, and I know of none elſe, but all were by him or his Order.

Sir *F. W.* Will your Lordſhip give me leave to ask him one Queſtion, can you Swear that any that came from him, contained the very matter in that Book? Was it the Matter or Words?

R. Do you Believe it?

Sir *F. W.* Good Mr. Recorder let me alone. Can you ſay it is the very Matter contained in that Paper?

P. I can't ſay that.

L. C. J. It is not an eaſie matter for a Man to remember the Matter of a Paper that is writ on all Sides. He Swears that they had ſeveral, and that they had none, tho he printed them, from any but him or his Order. This Queſtion Sir *Francis Wimington* asks, had you this particular Paper from him, he cannot Swear it was the ſame he had from him, but he does Swear all the *Weekly Intelligences* were from him or his Order; he does not Swear for the Matter of this Book, which no man will do. But he does Swear that theſe Papers were alwayes by him or his Orders, and that ſeveral were received from him.

Mr. *W.* I ask you upon your Oath, he brought it you in Writing did he not?

Printer

P. They came in Writing.

Mr. *W.* Have you any of theſe Papers to ſhew?

P. We did not regard them when they were Printed.

L. C. J. His Cauſe ſhall be tryed very juſtly, and very indifferently.

Mr. *W.* Had you ever a Paper from *Car's* hand or no?

P. We had few from his own hand.

Mr. *W.* Had you any?

P. I can't remember.

L. C. J. Had you any? you are upon your Oath.

P. My Lord, I can't remember.

L. C. J. Had you one, or two?

P. Indeed, my Lord, I can't remember. *I can't ſay upon my Oath he ever brought one.*

L. C. J. How then came you to ſay, you had ſeveral from him?

P. Ay, my Lord, from him, that is, by him or his Order.

L. C. J. Are you ſure it was by his Order?

P. I did conceive ſo, my Lord.

L. C. J. Had he any Mony?

P. From me?

L. C. J. Had he any Mony from any Body for Printing any of theſe Papers, as you can remember?

P. I do ſuppoſe ſo, I have heard he had.

L. C. J. Did you give him any?

P. No, my Lord, I was not concerned. The Publiſher, my Lord, was between him and me.

L. C. J. Who is that?

P. That is one *Curtis*.

L. C. J. Did *Curtis* pay him any Mony?

P. I never ſaw him pay him any, my Lord.

L. C. J. Hath he owned at any time he had any Mony.

P. My Lord, I never had any Occaſion for that Queſtion.

L. C. J. Have you talk't with *Carr*.

P. Yes, my Lord.

L. C. J. Now *I ſhall have you*: for I do believe you are an honeſt Man. Did *Carr* ever own himſelf to you to be the Author of this Book, or any of theſe Papers?

P. My Lord, as I ſaid in the other Caſe, ſo I ſay in this, I had no Occaſion to diſpute it, I took it for granted.

L. C. J. Have you ever heard him own it?

P. *I have heard him deny it.*

L. C. J. How did you come to take it for granted that he was the Author, when he did once deny, but never owned it. I anſwer me that Queſtion, *and thou ſhalt be a brave Man.*

P. My Lord, there was never Occaſion for that Diſcourſe.

L. C. J. Look you Sir, you muſt anſwer me in a Way agreeable to common Reaſon and Underſtanding. Why did you ſay juſt now you took it for granted that he was the Author, and yet you ſay he hath denyed it, and never owned it? Why ſhould you then believe he was the Author.

P. I don't ſay, my Lord, he never owned it.

L. C. J. What tricks we have in this World.

P. I would ask the Gentleman, I will not Quarrel with him at all, if he thinks not in his own Conſcience he has reaſon to Quarrel with himſelf. Did he ever own it to you.

P. I don't remember he ever own'd it to me in ſo many words.

L. C. J. Did he treat with you in these Circumstances *as if* he were the Author?

P. Yes, my Lord, I grant that.

R. But do you Swear it is so. We don't care for your granting: I ask you upon your Oath, did you ever discourse him as the Author of these Papers.

P. I supposed him to be the Author.

L. C. J. Did he deny it or baulk when you discourst him of this Matter.

P. My Lord, I must needs say as I said before, it was taken for granted.

Mr. *W.* You had it in Writing, where are those Writings?

P. We seldom regard those *Writings*.

L. C. J. It is hard to find the Author, it is not hard to find the Printer, but *one Author* found, is better than *twenty Printers* found.

Mr. *W.* My Lord, I will ask this Man a Question. Upon your Oath, who brought you that *Writing*?

P. What *Writing*?

Mr. *W.* That by which it was Printed; who brought you that Paper?

P. I don't remember particularly, *I had any* of *Mr. Carr himself.*

Mr. *W.* Can you name the Person that brought this Paper, or any one Person that brought any one Paper?

P. There was a little Boy.

Mr. *W.* Whose Boy?

P. Mr. *Carr's* Boy.

R. Now it is out.

Mr. *W.* Name the Boy.

P. I do not know his Name.

Mr. *W.* Can you name another, can you name any Body else.

P.

P. Truely, Sir, *I don't remember any Body else.*

Mr. *W.* now I will ask you one thing: Had you any Directions for the Printing this Paper?

L. C. J. To what purpose was this written Paper brought to you?

P. To be Printed, my Lord.

Mr. *W.* VVho gave Directions?

P. It was the Publisher that chiefly directed me.

Mr. *W.* VVho was that?

P. I have named him.

Mr. *W.* Name him again.

P. Curtis.

M. *W.* Did *Car* never direct you to Print this Paper?

P. He did not deal immediately with me.

R. VVhen the little Boy came, who did you take him to come from? from Mr. *Carr*, or Mr. *Curtis*?

P. From Mr. *Carr.*

L. C. J. He says he was *Carr's* Boy, and that he came from him. This I speak to the Jury, and I promise you this, if my Life and Fortune were at Stake, I would be tryed by this Jury at the Bar; and would do in this, as in all Cases. Mr. *Car*, is looked upon as the Author of this Book, that it either came from him or by his Order, his Boy (he can remember no Body else) did bring it. This is now remaining only, are you sure Mr. *Carr* sent him, saith he, we talk't with *Mr. Carr* several times.

Sir *F. W.* Thus it is, my Lord in the Information, *Maliciose & illicite imprimi causavit & publicavit.* Now I would only ask him a Question, my Lord, Whether or no did Mr. *Carr* own to you, that he sent the Boy to have it Printed?

P. No, Sir, I think not.

L. C. J.

P.

L. C. J. That is the ſame Queſtion asked before. Did Mr. *Car* ever own it as his or not upon your Oath, did *Carr* own this Pacquet to be his when you diſcourſt with him about it?

P. My Lord, I humbly crave your leave to explain my ſelf. I mean by the Diſcourſe I had, common Converſation, as the drinking a glaſs of *Wine*: but *I know not that ever we diſcourſt upon this thing.*

L. C. J. I mean ſo, *When you talk't about this Matter*, Did you take it by his Diſcourſe for granted, that he was the man that publiſh't it?

P. I took it for granted, becauſe I had it from him.

L. C. J. What ſay you to this? Have you blamed *Carr* for writing too ſharply in this Book againſt the Government?

P. My Lord, I do confeſs I have.

L. C J. What Anſwer hath he made, when you blamed him for writing too ſharply as you thought? did he deny that he did it?

P. I do not remember that.

L. C. J. What ſort of Anſwer did he make to excuſe it, that he thought it not too ſharp, or did he ſay, I care not.

P. My Lord, I can't particularly ſay what Anſwer he made.

L. C. J. When you blamed him, by the Oath you have taken, upon that Blame of yours, did he deny he wrote it.

P. No my Lord, I do not remember he did.

Mr. *W.* Did *Carr* at any time deny he was the Author or Publiſher of it?

P. He hath at ſometimes.

Mr. *W.* What did he deny?

P. That he was the Author.

Mr. *W.* Of what Book?

P. Of the Pacquet.

L. C. J. Did he deny he was the Author of this particular Book for this week, or deny it in general? Did he deny in general that he was the Author of that Book that is called the *Pacquet of Advice*?

P. I have heard him say sometimes, that he was not the Author.

R. And sometimes what?

P. I have heard him say sometime or other that he was not the *Author*.

R. And what else?

The Printers Servant.

Mr. *W.* Are you acquainted with *Carr*?

Man. I never had any Converse with him.

Mr. *W.* Do you know any thing of the *Pacquet of Advice*?

M. I know we have had Pacquets from him; I fetch't some from him.

Mr. *W.* What, from *his Hands*?

M. Yes.

M. *W.* What from his own hands?

M. Yes, in pieces, no whole Sheets.

P. This is my Servant, I am not always there.

Sir *F. W.* My Lord, I would ask this Man a Question. This Printed Paper that is put in the Information, did he ever deliver that to you?

M. I can't speak particularly to any one.

R. But generally to all?

L. C. J. Have you done?

Mr. *W.* I ask you a Question.

L. C. J. If you could, Mr. *Williams*, shew me any Author besides Mr. *Carr*, I would say something.

Mr.

Mr. *W.* Who brought you this Paper?

M. Which Paper.

Mr. *W.* I don't ſpeak of this Paper particularly. Did any bring any beſides *Carr*?

M. Yes, his Boy.

M. *W.* Did any body elſe bring any from any Place?

M. No body elſe that I know of.

Mr. *W.* The Pacquet he brought you, had it been Printed before? I ask you upon your Oath, was it printed before he brought it?

L. C. J. Did he bring Papers to Print that were never Printed?

M. They were never Printed that I know of.

Mr. *W.* Did he bring any to Print?

M. I can't ſay he brought any.

Mr. *W.* Did Mr. *Carr* bring any?

M. No, the Boy.

Mr. W. Who directed you to Print them? did *Carr* direct you?

M. I can't tell, I am a Servant in the Houſe.

L. C. J. I will aſſure you a *Non eſt Factum*, can't paſs at this rate!

Mr. *Jones* Who did you take to be the Man that ſent you all the Pacquets.

M. I very ſeldom took any, becauſe I was not always in Sight.

L. C. J. Who did you underſtand?

M. I underſtood they came from Mr. *Carr*.

L. C. J. Have you any more? Read the Words in the Informations.

Clerk. Friday the 1ſt of *Auguſt* 1679. The e is lately found out by an experienced Phyſitian, an incomparable Medicament, called *The Wonder-working Plaiſter*. Truely *Catholick* in Operation, ſomewhat of Kin to the *Jeſuits*

Pow-

Powder, but more effectual. The Vertues of it, are ſtrange and various. It makes Juſtice deaf, as well as blind, and takes out Spots of the deepeſt Treaſon, more cleaverly than *Caſtle-Soap* does common Stains. It alters a Man's Conſtitution in two or three dayes, more than the Virtuoſi's Tranſfuſion of Blood in ſeven Years. 'Tis a great *Alexipharmick*, and helps Poyſons, and thoſe that uſe them. It miraculouſly exalts and purifies the *Eye-Sight*, and makes People behold nothing but Innocency in the blackeſt Malefactors. 'Tis a mighty *Cordial* for a declining Cauſe, it ſtifles a *Plot* as certainly as the *Itch* is deſtroyed by *Butter* and *Brimſtone*. In a word, it makes Fools *Wiſe-Men*, and Wiſe-Men *Fools*, and both of them *Knaves*. The Colour of this *pretious Balm* is bright and dazling, and being applyed privately to the Fiſt, in decent manner, and a competent Doſe, infallably performs all the ſaid Cures, and many others, not fit here to be mentioned. *Probatum eſt.*

Sir. *F. W.* I am Counſel for the *Defendant*. May it pleaſe your Lordſhip, and you Gentlemen of the Jury. I am Counſel in this Cauſe. And the Queſtion is, Whether or no we muſt take the Information as it lies? And truely, for the firſt part of it, whether there was a Plot or no, I do not intend to make exceptions: for I believe there was one, and do intend to take it as in the Information. Gentlemen, we are to proceed now to this other Queſtion; which is, my Lord, Whether or no this *Defendant*, that is *Carr*, did *falſely and malitiouſly*, and with *deſign to ſcandalize the Government*, cauſe to be printed and publiſhed this falſe Libel, that is in the Information. Now truely, my Lord, We that are for the *Defendent*, ſay we are not guilty. My Lord, we very well know how penal a thing it is, for a Man to be the Author of a Libel that relates to the Scandal of the Government. And, my Lord, whether this *Defendent* be guilty of this or no, we muſt ſubmit

that to your Lordſhips, and the Juries conſideration. They have produced two Witneſſes, that is to ſay, the Printer and his Man. Now, my Lord, there hath been going out for ſome time, *a Weekly Packquet of Advice from Rome*; and I did ask the Witneſſes (for the Information Points at one Paragraph, and puts the Paragraph *In hæc verba*) I did ask him, whether or no he did ſend, or, whether the Matter that he ſent, is that contained in this Information. That he could not Swear; but muſt be left in point of Evidence; it being, we allow, a very penal Matter. The ſecond Witneſs, and the firſt Witneſs likewiſe ſay, there was a Boy, but whether that Boy came by his Maſters direction, he does not know. I ask't him if ever his Maſter ſent the Boy, he does not know; he ſays that he ſent him. But the laſt Witneſs ſays, divers were had from the hands of *Carr*; but whether it was the thing that is now complained of; there is the Queſtion, and that is in the dark. For, by your Lordſhips leave, I do not underſtand that ever this man was complained of to any publick Magiſtrate for writing this Book: for it was thought he was a *Satyriſt* againſt *Popery*, and thought to be very well liked on, til this Fault was found with it; and 'tmay be very juſtly, whether or no we be guilty of this, is uncertain: for we know, in the Age we live in, there are two many ſhams put upon men, and who knows, but that the *Papiſts*, that might have an ill will to this Mr. *Carr*, that hath been no Friend to them, might ſhuffle in this Paragraph, by that means to have Juſtice come upon him. I would not contrive againſt common Evidence, where a Man is guilty to the Publick; but we know there are abundance of Artifices in this Age to abuſe Men. For this purpoſe I hope your Lordſhip and the Jury will expect that you ſhould have poſitive Evidence againſt him. Now, granting your Lordſhip ſhould have Conjectural Evidence, that he

did cause it to be Printed and publisht, that this Man did write it, is, I say, very uncertain, for there is no positive Evidence. What a man may have in his private thoughts of it, is not enough: but whether *Secundum allegata & probata*, it shall be alleadged and proved that this man was the Author of it. Now, my Lord, I say, I must submit it to your Lordship, I say, that as to the causing it to be Printed, or the causing it to be Publisht, or that this individual Paragraph was writ by him in Order to its being Printed or publisht, my Lord, I say, there is but remote and conjectural Evidence, and an angry *Papist* might contrive this way to have an Innocent *Protestant* found guilty.

People. Hem ——

L. C. J. You see what a Case we are in, Gentlemen, You see what a sort of People we are got among. Go on Sir *Francis*.

Sir *F. W.* With your Lordships leave, I have one thing to put to your Lordship. The Information sayes, *false, illicite, & malitiose*. I know there are some things that do imply Malice in themselves. Truly, my Lord, I am upon a tender Point, and know not how to express my self. I say, supposing it should fall out, that this Man writ this Book, and he might have some little extravagancies in his Head in writing, whether this Man did it malitiously to scandalize the Government, as the *Information* says, is a Question. Truely, my Lord, there is many an indiscreet Act a man may be guilty of, that cannot be called a malitious Act; and that is the second thing, there must be Evidence that this Man did it malitiously, or that he did it with a design to scandalize the Government. If you be of Opinion, that it is otherwise, that is, in your Lordships Breast, we are of the Negative, and we say, we can't prove a Negative. But if you find him Innocent, I suppose there will be no Cause to complain of him afterwards, for he had no Malice in his Heart.

Mr.

Mr. *W.* My Lord, it can never be ſuppoſed, that a good Man, and a good Subject ſhould do an ill Action. If he be a very good Subject, if he be upon a Square in every reſpect, a Perſon that loves his King, and loves the Government in Church and in State if he be ſuch a Perſon, he cannot be thought guilty; my Lord, we will prove him to be ſuch a Man, and I hope the Gentlemen will believe us.

Call Mr. Sutton, *Mr.* Aylliffe, *and Mr.* Ambler.

Mr. *W.* Mr. *Sutton*, do you know Mr. *Carr*?

Mr. *Sutton*, I know him very well.

Mr. *W.* How long ſince have you known him?

Mr. *S.* Two or three Years.

Mr. *W.* Does he go to *Church* or *Meetings*?

Mr. *S.* He hath been with me at *Church* often.

R. Does he receive the *Sacrament* according to the manner of the *Church of England*?

Mr *S.* I was never with him at the *Sacrament*.

Mr. W. Is he one of them you call *Diſſenters*?

L. C. J. Did he ever diſcourſe with you concerning this Book?

Mr. S. My Lord, I have often ſpoken to him.

L. C. J. Has he diſown'd he was the Author?

Mr. S. He has ſo ſometimes.

L. C. J. How do you believe it was upon that Diſcourſe?

M. S. I do think he is able to write ſuch a Book.

L. C. J. That is not the Queſtion, anſwer me what I ask.

Mr. S. It did ſeem ſomething like his *Writing* methought.

L.

L. C. J. Did it seem by his Answer to your Discourse with him?

R. Pray tell us, did you look upon him to be the Author?

L. C. J. By the discourse you had with him. How did it appear upon that discourse? Pray tell us plainly and clearly, How do you think by the discourse you had with him concerning this Pamphlet, whether he was the Author or no?

Mr. *S.* My Lord, about a Year, or a Year and an half since, I did ask him whether this *Book* were Licens'd, he told me it was Licens'd by Mr. *L'Estrange*: but he did not tell me he was the Author.

L. C. J. How did it seem by his discourse?

Mr. *S.* I did apprehend he might write it.

Sir *F. W.* My Lord, but the Question is, whether he writ this *Paragraph*.

Mr. *Ambler*.

Mr. *W.* Mr. *Ambler*, pray do you acquaint my Lord, Do you know Mr. *Carr*?

Mr. *Ambler*. Yes Sir.

L. C. J. How long have you knowd him?

Mr. *A.* Three Years.

Sir *F. W.* Of what Conversation is he, and how affected to the Government?

Mr. *A.* He went to Church with me.

Sir. *F. W.* Do you look upon him, as a man well affected to the Government? Do you think he would malitiously write any thing to scandelize the Government.

Mr. *J.* How do we know how Mr. *A.* understands the Government.

R. Mr. *A.* Had you any discourse with him about the *Pacquet of Advice*?

Mr.

Mr. *A.* Never in my Life.

R. Did you ever hear of the Book?

Mr. *A.* Yes, Sir.

R. Upon your Oath, Did you look upon him to be the Author?

Mr. *A.* The common report was, that Mr. *Carr* was.

Mr. *Ayliffe.*

Mr. *W.* Mr. *Aliffe*, Do you know Mr. *Carr*?

Mr. *Aliffe.* Yes, Sir.

Mr. *W.* Is he a conformable Man to the Government, in *Church* and in *State*? Does he go to hear *Common-Prayer*?

Mr. *Ay.* I have seen him at Church, and at Divine Service.

R. Did he behave himself reverently there?

Mr. *A.* Yes, Sir.

L. C. J. Do you think he writ this?

Mr. *A.* My Lord, I never asked him.

Sir. *F. W.* My Lord, it seems he was accounted the Author of Books, but whether of this particular one in the Information, we conceive not prov'd.

R. If we should not do right, we disclaim that Service we owe to the Crown, and that respect we owe to the Government, as honest Men, and as true *Protestants*, and as much against *Papists*, as any men whatsoever. I shall endeavour to give the World satisfaction, that this man is guilty of this Offence. My Lord, for any man to come and pretend that we must prove, that a man is malitious, or because that a Man writes against the *Papists*, he must never therefore be convicted of Malice, surely, is a strange Argument; And I wonder to hear any Man that pre-

to reaſon, Men of Sence, and Conſcience, and Underſtanding, ſo out of their common Senſe and Underſtanding, as to make that go as an Argument. Gentlemen, the things themſelves beſpeak their Malice. For ſo we in our common diſcourſe, when we bring our common Actions, (of which you have heard a number) if in Caſe, any man call a man *Thief*, we ſay he does falſely, and malitiouſly, and ſcandalouſly call a man *Thief*. If we prove he called him *Thief*, the very thing does intimate, he does it falſly, ſcandalouſly, and malitiouſly. Therefore, the thing it ſelf is a ſufficient Indication of the *Malice* and *Depravity* of it. There's no man, but may know in plain *Engliſh*, what the meaning of theſe words; It is as plain as can be in the World. We muſt debauch our *Underſtandings*, and be as great *Doltheads*, as they would make all men that will be of their Party, if we don't plainly ſee into the meaning of theſe words, That *Juſtice is to be bribed with Mony*. In the next Place, Gentlemen, we do not come and ſay, that the Information lies againſt theſe very particular words, that is a Miſtake of the Information, but the Information is, that he did cauſe to be Printed and Publiſhed a Book, in which among others, there were ſuch words as theſe; though, if they had been the very words themſelves, the very words have been proved. Now, *there is no better Proof under the Heavens, than the Proof we have offered.* The Printer himſelf, he comes here and ſaies, that *Carr* did acknowledge himſelf the Author, and he did generally publiſh the Book. I appeal, if you do not Believe it. This they would now come and excuſe; for they are glad to make a Raſcal of any of their Party, if they can but ſave a man that is Guilty. But, things come out with much difficulty, and much ſtraitneſs; and I muſt ſay, if ever any thing were an Inſtance of *Popery*, then that man is one of the Jeſuited'ſt Fellows that ever was; for he does, *cant ſo like them*, that a man can't tell how to govern himſelf.

Who was it that ſhould write theſe things? Truly, he had diſcourſt with him about the matter. Who ſent the Boy? Do you know? Truly I can't tell, and wonderfull great *Snuffling* and Canting before he comes to the buſineſs. Beſides, what can there be more plain than the Proof Pieces before the Publiſhing. To'ther Man ſayes, that he was the Man that fetched pieces from *Carr's* own hand, and that he alwayes looked upon it that *all did* come from *Carr.*

Now every man that knowes any thing of Printing, knows this, that after it hath firſt taken the Preſs, it is *alwayes carried back again to the Author*, to ſee whether it be done according to his mind; and after that, it comes to the Publick view. And that this man, *Carr*, is the Author. Mr. *Sutton* and the reſt of his Witneſſes, if they ſpeak according to Conſcience, they themſelves looked upon this very Man to be the Author. Their own Witneſs looked upon it ſo. It was not only the Private Opinion of theſe Men, but the General report of all. So that, my Lord, *had it not been neceſſary to the ſupport of the Government*, I ſhould have ſcarce troubled my ſelf to give your Lordſhip and the Jury this Trouble. But I muſt ſay, and I do believe, that there is no man whatſoever, that ſtands to have vices of this nature convicted and puniſhed, but deſires the *Proteſtant Religion* may be ſupported to the utmoſt, and that *Popery* may be ſuppreſt. But I ſay, who ever it is, that after this evidence, who is bound by his Oath to go according to evidence, ſhall acquit this man, he muſt be a man of a *Hanmint Conſcience* indeed.

Sir. *F. W.* I ſhall hint one thing to your Lordſhip in this caſe. That it is an unlikely thing that a *Papiſt* ſhould ſet out this Pacquet at this time. For then my

my Lord, how came it to Pass, that Mr. *Carr* had none came out that Week, for his is a *weekly intelligence*. If Mr. *Carr's* had come out and this likewise there had been some pretence for this: but since there came out but one, that the *Papists* set out this is unlikely. They have not pretended to bring in any body else as the Author: but there own Witnesses say, and they themselves say, he was looked upon as the Author. Those things that are done *against the Government*, are never done in the face of the Government.

L. C. J. Really, Gentlemen, I thought not that this had been a Cause of that Moment, that now I find it. For their very *Disturbance* hath *altered* it from Mr. *Carr's*, to a publick concern. The noise which they make, this way that these People use, that with their shouts and noise attend the cause, hath *quite spoiled it*. As in the Case of *Harris*. But those People that did then attend him, leave following him in a Goal, *for Five Hundred Pounds*, which may be five shillings a piece had discharged him of, if they had been as free of their purses as they are of their noises and acclamations: So that in Truth, they are only violent against the Government whilest they can make shouts and noises, but if it come once to deliver a man from a penal sum they will let him rott in Goal. For so *Harris* sent to me, that *his Party* had all forsaken him, and no man would give him any thing. And this is for those *Hummers*, those brave fellows that seem to espouse a Cause, and yet leave their Party in distress: but let them go away with this, that they prove themselves

an

ſelves hereby. Enemies to the *Government*, and falſe to that *Intereſt*, and *Men* that they ſeem to eſpouſe; that come only here to affront a *Court of Juſtice* with their Shouts and Noiſes, and will not relieve their Party: for this is the Complaint of *Harris*, and the Diſparagement of all men that come to eſpouſe it. This Cauſe, the truth on't is, I did not look upon to be of this nature and moment when it was opened. For though, there are in this very Paper, upon which the Information is grounded, words malitious and reflective enough; yet, they were not ſo apparently appropriated, that a man might obſerve an extraordinary Deſign in them. This I thought, but really, the caſe is altered, even by thoſe Men. For, I'le tell you, *Harris is poor, and his keeping in Priſon, is principaly occaſioned, from the manner of the reception of his Puniſhment*, which he calls, *His Pardon*. And therefore, theſe Fellows, theſe Hummers, let them all know, when ever they come to eſpouſe a Cauſe of publick Concern againſt the *Government*, they ſpoil it; and when they are taken, then they ruine one another. And this is like to be ſo; for none will help them with a *Groat*. And this is the misfortune of that unfortunate Man *Harris*, that he hath no place of Mercy left him from the King, becauſe he was attended with ſuch a rabble, as theſe People are, that have made a noiſe here, and yet will give him no help nor aſſiſtance when he wants it. And, let them know, it hath turned this mans Cauſe, into a publick Cauſe, becauſe here are People that do eſpouſe it, and the Government is hereby concerned much more, than by any one Action that this Cart could have done. I have ſaid ſo much the more of this, that I might ſhew you to what a ſad Cauſe this is brought, from what at firſt it was. For, if it had paſt without ſuch a noiſe, as you ſee how they expreſs themſelves, I ſhould not have thought much matter in it, and though, you had convicted him, I ſhould have thought a better

Sentence might have ſerved the turn: but, *they have undone Carr, if you find him guilty*, and ſo, it's like to prove, when ever there is a popular attendence upon publick Cauſes that concern the Government.

The preſent caſe, it ſtands thus. Mr. *Carr*, here is an Information brought againſt him, for publiſhing a printed Pamphlet, called, *The Pacquet of Advice from Rome*, and in it there are recited ſome Particulars, which were obſerved to you before, which was not well done; but yet, not ſo inſolently done, as ſome perhaps do conceit. The Queſtion is, whether he was the Author, or Publiſher of this. You hear, he is thought the Author, but ſay his Counſel, it is not plain, and that is true. But, it ſeems by their own Witneſſes, to any mans Underſtanding, that they look't upon him as the Author. But then, is he the Author, and Publiſher of this particular Book? I had rather, Mr. *Carr*, with all his Faults about him, and his Hummers, ſhould go away with applauſe, and have him found not guilty, than do him wrong in one Circumſtance: for, I come to try Cauſes according to the truth of Fact, I come not to plead on one ſide nor another. Not to Condemn Men that are Innocent; nor, to acquit them, if they be guilty. Now, it remaines for you to conſider, *what Proofs you have, as to this particular Book*, againſt which, the Information lies. And that's the Printer himſelf, who is one of the beſt ſorts of Evidence that can be had: for, you very well know, that Evidences of Fact, are to be expected according to the nature of the thing. That is, *Forgery*, is not to be proved ſo plainly, as to expect Witneſſes, as you do at the ſealing of a Bond: for, Men do not call Witneſſes, when they forge a thing. Therefore, in things of that nature, we are fain to retreat to ſuch probable and conjectural Evidence as the matter will bear. I believe, ſome of you have been of Juries at the *Old-Bayly*, and that even for Mens Lives, you have very often, not a direct

Proof of the Fact, of the Act, or of the actual Killing; but yet, you have ſuch Evidence by Preſumption, as ſeems reaſonable to Conſcience. If, there be a known Caſe in Mens Lives, certainly, that ſhould govern in Offences, and eſpecially, when Offences are of a nature that reflects upon the Government. As for thoſe Words, *Illicite, malitioſe*, unlawfull; for that I muſt recite what Mr. *Recorder* told you of at firſt, what all the Judges of *England* have declared under their hands. The words, I remember, are theſe, when by the Kings Command, we were to give in our Opinion, what was to be done in point of the regulation of the Preſs. We did all ſubſcribe, that to Print, or Publiſh any *News-Books* or *Pamphlets of News* whatſoever, is illegal; that, it is a manifeſt intent to the Breach of the Peace, and they may be proceeded againſt by Law for an illegal thing. Suppoſe now, that this thing is not ſcandalous, what then. If there had been no reflection in this Book at all, yet, it is *illicite*, and the Author ought to be convicted for it. And that is for a publick notice to all People, and eſpecially, *Printers*, and *Bookſellers*, that they ought to Print no Book, or Pamphlet of News whatſoever, without Authority. So as he is to be convicted for it as a thing *illicite* done, not having Authority. And I will aſſure you, if you find any of thoſe Papers, I ſhall be more merciful in the Conſideration of their Puniſhment, if it be inoffencive. But, if ſo be they will undertake to Print News fooliſhly, they ought to be puniſhed, and ſhall be puniſhed, if they do it without Authority, though, there is nothing reflecting on the Government, as an unlawful thing. The reaſon is plain. So fond are Men in theſe Days, that when they will deny their Children a penny for Bread, they will lay it out for a Pamphlet. And it did ſo ſwarm, and the Temptations were ſo great, that no man could keep two pence in his Pocket

ket because of the News. But still, they never repented of laying out their Mony, till they found, there was nothing against the Government. This is not worth a Farthing, there is nothing of Treason in it, we will not give a Farthing for it. Therefore this Book, if it be made by him to be published, it is unlawful, whether it be malitious or not. Now for the Matter, the subject Matter. What, doth *Carr* think he hath too much Wit to fool us that are to try the Malice. It was sillily writ, if he did not believe we understood it, and that were very intolerable in us; I hope, I speak plain: that is, the sort of Books that he writ, it must be with an intent, People should know what reflections he made, and shall all Mankind know, and shall they that try the Cause not know it. If you find him guilty, and say what he is guilty of, we will Judge whether the thing imports Malice or no. Sir *Francis Winnington* hath told you, there are some things, that do necessarily imply Malice in them. If this thing doth not imply it, then the Judges will go according to Sentence, if it doth, so that it concerns not you one farthing, whether malitious, or not malitious, that's plain. Now, there remains only one thing, that is, whether or no he was the Publisher of this Book? for that we have this Evidence. The Printer tells you, he was the Person that they look't upon to be the Author of this Book, that he sent this Book to be Printed by his Boy. The Printer sayeth, that he often discourst with him, and he took it for granted. His Boy brought it. To what purpose? to be Printed. The

Printers,

Printers Servant ſaies, they looked upon him as the Author, and I have fetched Sheet by Sheet, ſeveral Sheets from his own hand. I will do right in the Caſe, be it what it will, let him eſcape or not. Say his Councel, had you this particular Paper from him. I urge this as clearly, as their own Councel have objected it. For that you muſt conſider, whether he is the Author of the Book. You muſt take Evidence in this caſe, as you do all the Year long; that is, in other Caſes, where you know there is an abſolute certainty, that the thing is ſo: for humane frailty muſt be allowed; that is, you may be miſtaken. For, you do not Swear, nor, are you bound to Swear here, that he was the Publiſher of this Book; but, if you find him guilty, you only Swear, you believe it ſo. God help Juries, if ſo be, in matter of Fact, they ſhould promiſe otherwiſe. They can't Swear it. Now, the Queſtion is, whether you have Evidence enough here to Swear he was the Publiſher: for this is the main thing, to prove that he is ſo. Now, the Printer tells you that he knew the man; that he had frequent converſe with him about it, and that he took it for granted. Now conſider, when a man talks at this rate, he does not ſay he was, but that he took it for granted, he does not as much as ſay he is. They will own he writ ſeveral Sheets of this Book; then, why not all this Book. Now, we come to the more principle matter of Fact, according to reaſon, and the probable Evidence of things. That this Perſon is taken to be the Author, and that it was his Boy that brought theſe Papers to be Printed. If you can't ſay he ſent him, you can give no Verdict while you live, if you expect that. The Printer ſaies, he hath been often diſcourſing with him, that his Boy brought them, and that he knew no other Perſons in the World, that had any pretenſions to be the Author, and if he were the Author, no doubt, but he is the Publiſher. Whether or no

any body else had an hand in this, we don't know. If you are satisfyed in your Consciences, that you believe he is not the Author, you must acquit him. If you are satisfyed it is not he, you must find him not guilty. So that as you are honest Men and wise, as I believe you are; if you believe he was not the Publisher of this Pamphlet, that he did not send his Boy to have it Printed, but that he came of his own head, you must find him not guilty.

The Jury went from the Bar, and nigh an hour after returned, and brought him in guilty.

L. C. J. You have done like honest Men.
R. They have done like honest Men.

FINIS.